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C O N F I D E N T I A L SECTION 01 OF 02 KINSHASA 001236

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SUBJECT: DRC ELECTIONS: CEI PROMISES INVESTIGATION AFTER
BALLOTS BURNED

Classified By: PolOff CBrown, reasons 1.4 b/d.

¶1. (C) Independent Electoral Commission (CEI) President Abbe Apollinaire Malu Malu promised August 4 that the Commission will investigate the burning of an unknown number of marked ballots and vote tally sheets at an election liaison office in Kinshasa. In a meeting with the Ambassador and Representative Donald Payne, Malu Malu said a fire was started sometime during the day of August 2 at a CEI liaison office in the N'Djili neighborhood of Kinshasa that had been receiving ballots and voting tabulation sheets from various polling sites.

¶2. (C) Malu Malu said CEI workers themselves were responsible for starting the fire, and apparently did so while attempting to clean up and dispose of trash and other election material no longer needed. The CEI president added that at this point, it is unclear what the motivation was for starting the fire or if it was intentionally set to destroy voting results. In a separate meeting with the Ambassador and Representative Payne, MONUC DSRSG Haile Menkarios said he believed the workers deliberately started the fire in protest over having not been paid by the CEI. (Note: Due to clerical and technical errors, some CEI workers in Kinshasa were not paid on August 1 as promised. After correcting the necessary paperwork, the CEI was to have begun paying workers the afternoon of August 2. End note.)

¶3. (C) According to Malu Malu, initial reports from the liaison office where the fire took place indicated that only draft copies of tally sheets and unused ballots had been burned. Upon further investigation, however, evidence was brought forward by some international observation missions demonstrating that some marked ballots, as well as packets containing vote counting sheets, had also been destroyed. Jean-Michel Dumont of the European Union's Observer Mission told PolOff August 3 that he had personally seen partially burned ballots that had been marked by voters. Carter Center observers have also reported seeing the same evidence at the liaison office in question. The CEI president said it is not known how much material may have been destroyed in the fire or how many voting sites may be affected by the incident.

¶4. (C) Malu Malu said he has asked MONUC to collect the remains of all burned voting material from the liaison office and store it in a secure location for further investigation. Malu Malu said CEI workers at the local compilation center in Kinshasa will next look through their records and the voting materials already received to determine which results from which voting sites are missing. In cases where tally sheets cannot be found, the CEI will return to the polling sites themselves to collect copies of the vote results which were

to have been posted outside their respective stations. The CEI also plans to speak to each polling station worker, election observer and political party witness who monitored voting operations at the affected sites to verify results.

¶15. (C) As a last resort to ensure the integrity of the electoral process, Malu Malu said the CEI would consider a re-vote in the affected areas. Malu Malu said the CEI must first determine the scope of the problem and how many voters may have been affected by the destruction of voting material. If a significant number of ballots are unrecoverable, Malu Malu said a re-vote would very likely take place.

¶16. (C) Colin Stewart, the co-director of the Carter Center's observation mission in the DRC, told PolOff August 4 following his meeting with Malu Malu that he was satisfied with the steps the CEI is taking to investigate the incident. Stewart also said he believes the Commission is taking appropriate measures to find a solution to the problem and prevent such acts from happening again. Stewart added, however, that he was concerned about the apparent "breach" in the chain of custody of election material.

¶17. (C) Comment: The fire at the Kinshasa polling center and apparent destruction of ballots is a serious concern meriting immediate investigation by the CEI. It should be noted, however, that this act appears to be an isolated incident and not part of a widespread effort to manipulate the counting process. Moreover, despite some media reports to the contrary, it is highly unlikely that one-quarter of Kinshasa's ballots may have been destroyed. The incident nonetheless raises important questions about the CEI's security measures, the training of its workers, and the logistical difficulty in collecting and compiling ballots and

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tally sheets from more than 8,500 locations in Kinshasa. The fire will undoubtedly provide more fodder for candidates to cry foul and claim fraud, leading to even higher tensions when results are announced later in the month. For the moment, though, the actual impact of the fire on the vote count appears to be minor; it is the political impact that may have significant repercussions. End comment.
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